

108TH CONGRESS
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S. CON. RES. 31

Expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2003

Mr. FRIST (for Mr. LIEBERMAN) (for himself, Mr. STEVENS, Mr. INOUE, Mr. FRIST, Mr. DASCHLE, and Mr. WARNER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

Expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

Whereas the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498), enacted into law on October 16, 2002, authorizes the President to use the Armed Forces of the United States to defend the national security of the United States against the threat posed by Iraq and to enforce all relevant United Nations Security Council resolutions regarding Iraq;

Whereas a coalition of nations, under the authority of United Nations Security Council resolution 678 adopted on November 29, 1990, and authorizing member states to use

“all necessary means to uphold and implement resolution 660 (1990),” initiated military action against Iraq in 1991 to enforce compliance with the resolutions of the Security Council;

Whereas the United Nations Security Council, pursuant to Security Council resolution 687 adopted on April 3, 1991, established a cease-fire subject to compliance with specific conditions and obligations on the part of Iraq;

Whereas the United Nations Security Council unanimously approved Security Council resolution 1441 on November 8, 2002, declaring that Iraq “has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq’s failure to cooperate with United Nations inspectors and the [International Atomic Energy Agency (IAEA)], and to complete the actions required under paragraphs 8 to 13 of resolution 687 (1991)”;

Whereas Iraq failed to avail itself of the “final opportunity to comply with its disarmament obligations under relevant resolutions of the Council” that was offered by United Nations Security Council resolution 1441 by failing to “cooperate immediately, unconditionally, and actively with [the United Nations Monitoring Verification and Inspection Commission (UNMOVIC)] and the IAEA” and by failing to “not take or threaten hostile Acts directed against any representative or personnel of the United Nations or the IAEA or of any Member State taking action to uphold any Council resolution”;

Whereas the President, acting pursuant to his constitutional authority and the authorization of Congress, declared on March 19, 2003, that the United States had initiated military operations in Iraq;

Whereas, in the ensuing conflict, Iraq has captured uniformed members of the United States Armed Forces and the armed forces of other coalition nations, including the United Kingdom;

Whereas several American prisoners of war appear to have been publicly and summarily executed following their capture in the vicinity of An Nasiriyah, demonstrating, as the President said on March 26, 2003, that “in the ranks of that regime are men whose idea of courage is to brutalize unarmed prisoners”;

Whereas Iraqi state television has subjected American prisoners of war to humiliation, interrogating them publicly and presenting them as objects of public curiosity and propaganda in clear contravention of international law and custom;

Whereas the customary international law of war has, from its inception, prohibited and condemned as war crimes the killing of prisoners of war and military personnel attempting to surrender;

Whereas Iraq is a signatory to the Convention Relative to the Treatment of Prisoners of War, dated at Geneva August 12 1949, and entered into force October 21, 1950 (“the Geneva Convention”);

Whereas the Geneva Convention requires that “[p]risoners of war must at all times be humanely treated” and specifically “must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity”;

Whereas the Geneva Convention stipulates that “[p]risoners of war are entitled in all circumstances to respect for

their persons and their honour” and that “[w]omen shall be treated with all the regard due to their sex”;

Whereas the Geneva Convention declares that the detaining power is responsible for the treatment afforded prisoners of war, regardless of the identity of the individuals or military units who have captured them; and

Whereas the United States and the other coalition nations have complied, and will continue to comply, with international law and custom and the Geneva Convention: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring), That Congress—*

3 (1) expresses its outrage at the flagrant viola-
4 tions by the Government of Iraq of the customary
5 international law of war and the Convention Relative
6 to the Treatment of Prisoners of War, dated at Ge-
7 neva August 12 1949, and entered into force Octo-
8 ber 21, 1950;

9 (2) supports in the strongest terms the Presi-
10 dent’s warning to Iraq that the United States will
11 hold the Government of Iraq, its officials, and mili-
12 tary personnel involved accountable for any and all
13 such violations;

14 (3) expects Iraq to comply with the require-
15 ments of the international law of war and the ex-
16 plicit provisions of the Convention Relative to the
17 Treatment of Prisoners of War, which afford pris-

1 oners of war the proper and humane treatment to
2 which they are entitled; and

3 (4) expects that Iraq will afford prisoners of
4 war access to representatives of the International
5 Committee of the Red Cross, as required by the
6 Convention Relative to the Treatment of Prisoners
7 of War.

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